

# CITY OF HAYWARD AGENDA REPORT

AGENDA DATE 03/21/00
AGENDA ITEM 4
WORK SESSION ITEM

TO:

Mayor and City Council

FROM:

Director of Community and Economic Development

SUBJECT:

Appeal of Planning Commission's Action Denying Zone Change 99-190-01 – Society of Saint Vincent de Paul (Applicant/Owner) – Request to Change Zoning from Central City-Commercial Subdistrict/Cottage Special Design Overlay District (CC-C/SD-3) to Planned Development District/Cottage Special Design Overlay District (PD/SD-3) to Construct Ten Residential Cottages and Extend Grace Court (Private Street) to Melvin Court – The Property is Generally Located on Grace Court Between Grace Street and Smalley Avenue and at 22331 Mission

Boulevard

#### **RECOMMENDATION:**

The Planning Commission motion to approve the project failed to carry (3:4), resulting in a denial of the project. Staff recommends that the City Council approve the negative declaration and the project as submitted.

#### **DISCUSSION:**

The Society of Saint Vincent de Paul has requested to construct ten new cottages to augment four existing cottages on the property. They wil be rented to low-income families that receive program assistance from this agency. The rezoning request from Central City-Commercial Subdistrict/Cottage Special Design Overlay District (CC-C/SD-3) to new Planned Development (PD) was designed to accommodate the desire for single-family cottages as single-family detached units are not generally allowed in the base CC-C Subdistrict. The four parcels that comprise the site would be consolidated into one parcel and the proposed units and existing units would be rented to those in need of help from the Society. A condition of approval requires that prior to approval of the precise plan, a tentative map be approved to provide ownership opportunities in the future. Provisions are also included for the maintenance and operation of the thrift store that fronts Mission Boulevard, replacement of the fencing around the property, and new landscaping. (See attached Planning Commission Report Exhibit C, for project particulars and discussion.)

Staff is recommending approval of the project because it would allow detached dwellings that would be consistent with the intent and policies of both the General Policies Plan and the North Hayward Neighborhood Plan, which encourage development of the area with small cottage

dwellings. Staff believes that the project is compatible with the surrounding uses and the development pattern and will enhance the residential character of the area.

On February 10, 2000, the Planning Commission's motion to approve the zone change request was denied, with a vote of 3:4. A minority of the Planning Commission supported the motion for approval on a basis that the project was well designed, with attractive cottage-like units that would be well suited to the property and neighborhood. They indicated that the application should be reviewed solely on the basis of land use and the provision of housing, not on the type of program to be operated at the property.

The majority of the Commission, however, did not agree and indicated that the management of the project was a key issue in how successfully the project could be integrated into the neighborhood and whether the occupancy of the housing would create problems for neighboring residences. Commissioners were concerned about unanswered questions on how the program would operate. The commissioners not supporting project also indicated that the project was too dense, that it did not provide adequate common group open space and an area for children to play, and that the configuration of the units to their prospective garages would be problematic to a subdivision of the land that was being requested by staff.

A second motion to approve only nine cottage units and provide more common space for children died for lack of a second. One speaker at the hearing supported the application and the assistance that the Society offers to others. Three other speakers, however, did not want the project located in the neighborhood because they are concerned about the number of social programs being targeted to their neighborhood.

Since the public hearing, staff has received a letter from the Society of St. Vincent de Paul regarding the management of the development and program operation. (see Exhibit G attached)

In the appeal letter (see Exhibit B) submitted by the applicant's attorney, the applicant believes that the application was improperly denied since it allows development of a well-designed residential project that conforms to the General Plan and North Hayward Neighborhood Plan and provides short term housing for families in detached cottages and preserves the single-family character of the surrounding area.

Prepared by:

Sheldon R. McClellan

Thelan R. McClellan

Senior Planner

#### Recommended by:

Sylvia Ehrenthal

Director of Community and Economic Development

Approved by:

Jesús Armas, City Mahager

#### Attachments:

Exhibit A - Area/Zoning Map

Exhibit B - Appeal Letter from Applicant dated 2/18/00

Exhibit C - Planning Commission Staff Report and Meeting Minutes dated February 10, 2000

Exhibit D - Findings for Approval

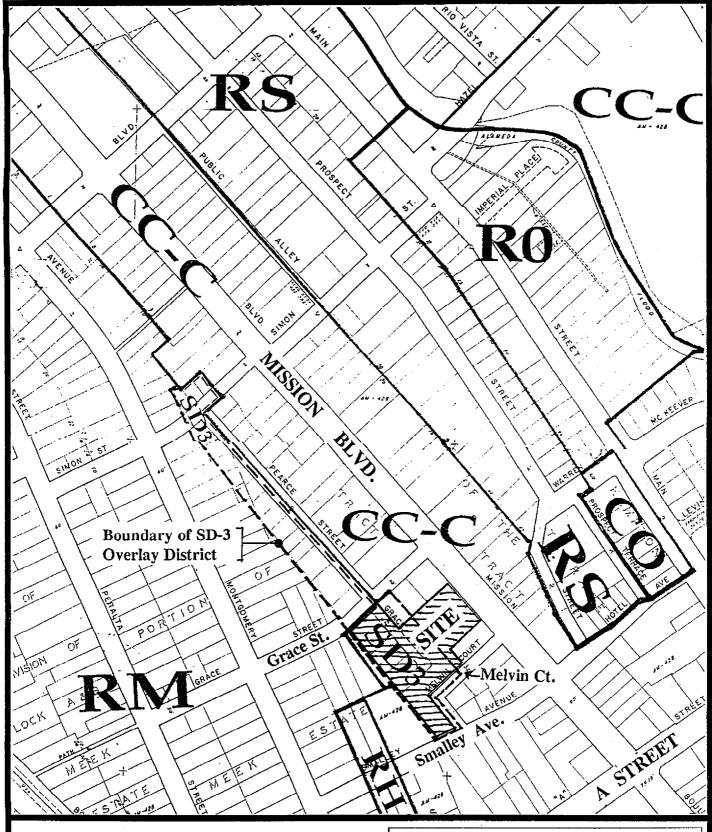
Exhibit E - Conditions of Approval

Exhibit F - Negative Declaration/Initial Study

Exhibit G - Letter from Society of St. Vincent de Paul, dated March 15, 2000 Development Plans

Draft Resolution(s)

03.16.00



# ZONING/AREA MAP ZC 99-190-01

William S. Lyons (Applicant) Society of St. Vincent de Paul (Owner) Grace Ct. – between Grace St. & Smalley Ave.

- CC-C Central City-Commercial Subdistrict
- CO Commercial Office District
- RS Single-Family Residential District
- RM Medium Density Residential District
- RH High Density Residential District
- RO Residential-OfficeDistrict
- SD-3 Cottage Special Design Overlay District

FEB 18'00 14:44

LAW OFFICES OF

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February 18, 2000

VIA FACSIMILE AND U.S. MAIL

Sheldon McClellan
Senior Planner
City of Hayward
Department of Community and
Economic Development
777 B Street
Hayward, CA 94541-5007

Re:

Zone Change 99-190-01 - Society of Saint Vincent de Paul, Applicant/Owner [Society of Saint Vincent de Paul 6359]

Dear Mr. McClellan:

Thank you for your facsimile letter of February 17, 2000. Pursuant to Sections 10-1.3435 and 10-1.2845 of the City of Hayward's Zoning Ordinance, Society of Saint Vincent de Paul would like to appeal the denial of its request to change zoning from Central City-Commercial Subdistrict/Cottage Special Design Overlay District (CC-C/SD-3) to Planned Development District/Cottage Special Design Overlay District (PD/SD-3) in order to construct ten residential cottages and extend Grace Court, a private street, to Melvin Court (referred to herein as the "Project").

Society of Saint Vincent de Paul's believes the Project was improperly denied. The Project should not have been denied because it allows for a well-designed residential development that incorporates a building setback and open space configuration and contains conditions of approval that allow for single family residential development that conforms to the City of Hayward's General Plan and the North Hayward Neighborhood Plan. In addition, the Project will not change the character of the North Hayward Neighborhood and will not alter the historic pattern of Pearce Street. The Project preserves both the single-family character of the North Hayward Neighborhood and the building of cottage-type units by providing short term housing for families in detached cottages. The Project provides that Grace Court will remain a private street and separates residential units from the Society of Saint Vincent de Paul's thrift store, a legal nonconforming use, and the conditions of approval of the Project provide that the thrift store will be well maintained and operated only by Society of Saint Vincent de Paul. Finally, the Project is in substantial harmony with the North Hayward Neighborhood and adds to the existing housing type on the property concerned.

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Society of Saint Vincent de Paul seeks to have the Planning Commission's decision overturned and the Project approved. Society of Saint Vincent de Paul also seeks the approval of the City of Hayward's Negative Declaration with respect to the Project stating that the Project will not significantly affect the environment.

Please contact Peter Smith or me with any questions. Thank you for your attention to this matter.

Sincerely,

wvis/L. Magid

SLM

cc: Donald Gerigk (via mail)

McClellan 02-18-00 SLM 6359

#### **MINUTES**



REGULAR MEETING OF THE PLANNING COMMISSION, CITY OF HAYWARD, Council Chambers

Thursday, February 10, 2000, 7:30 p.m. 777 "B" Street, Hayward, CA 94541

#### MEETING

The regular meeting of the Hayward Planning Commission was called to order at 7:30 p.m. by Chairperson Fish, followed by the Pledge of Allegiance.

#### **ROLL CALL**

Present:

COMMISSIONERS

Bennett, Bogue, Caveglia, Halliday, Williams, Zermeño

CHAIRPERSON

Fish

Absent:

COMMISSIONER

None

Staff Members Present:

Anderly, Frascinella, Looney, I

McClellan, Nakatsu,

Patenaude, Woodbury

General Public Present:

Approximately 17

#### PUBLIC COMMENT - None made

#### **AGENDA**

- 1. Zone Change 99-190-01 Society of Saint Vincent de Paul (Applicant/Owner): Request to change zoning from Central City-Commercial Subdistrict/Cottage Special Design Overlay District (CC-C/SD-3) to Planned Development District/Cottage Special Design Overlay District (PD/SD-3) to construct ten residential cottages and extend Grace Court (private street) to Melvin Court. Property is generally located on Grace Court between Grace Street and Smalley Avenue and at 22331 Mission Boulevard.
- 2. Site Plan Review Application 99-130-15, ASP Alameda, LLP Applicant/ Owner) Request to develop a 6-story, approximately 185,000 sq.ft., office building to house the Alameda County Social Services Agency's staff and functions. The project is located at the northeast corner of West Winton Avenue and Amador Street.

#### PUBLIC HEARINGS

1. Zone Change 99-190-01 - Society of Saint Vincent de Paul (Applicant/Owner): Request to change zoning from Central City-Commercial Subdistrict/Cottage Special Design Overlay District (CC-C/SD-3) to Planned Development District/Cottage Special Design Overlay District (PD/SD-3) to construct ten residential cottages and extend Grace Court (private street) to Melvin Court. Property is generally located on Grace Court between Grace Street and Smalley Avenue and at 22331 Mission Boulevard.

Senior Planner McClellan presented the staff report, and described the project as construction of ten residential cottages. There are presently three cottages on the property. The North Hayward Neighborhood Plan reflects the neighborhood's preference for single family cottage development in the area and on the site. Staff recommended approval to Council of the Negative Declaration and Zone change. He showed slides of the site with the proposed units, and answered questions from Commissioners. The cottage proposal meets most of the Cottage Special Design District

requirements, with a few exceptions.

Commissioners expressed concern that there were few children's play areas included in the proposal.

Commissioner Zermeño suggested that one of the cottages be considered for a children's day care center.

The public hearing opened at 7:56 p.m.

Don Garrett, St. Vincent de Paul Society, Pleasanton, responded to Commissioner's questions regarding the proposed management of the site as well as how services would be delivered to residents to maintain the transitional aspect of the housing. He explained that the Society is talking with both Eden Housing and Prudential to discover what sort of programs they may have available to provide support for the residents. He indicated that the new cottages would be tailored for the CalWorks program participants. As far as management, he indicated that present occupants are being informed of the new rules and regulations. He said that the Society did not think of providing Child Care since CalWorks includes that in their program.

Celeste Perry, 26876 Pelham Place, brought a number of photographs showing the lack of maintenance on the site and the area. She indicated that, if approved, Pierce Street should be closed rather than opened up. She said the neighborhood is saturated with transitional housing and social service programs like this, and suggested that the project be cut down to half the proposed size. She agreed that there is a real need for this type of housing but felt the project was too ambitious for the size of this street. She added further complaints about the auto body shop on Mission Boulevard still causing unsafe conditions on the street.

Bonnie Porter, 690 Grace Street, spoke briefly about the need for a helping hand for people in this position. She added that she liked the look of the project as well.

Darlene Evans, 361 Bristow Boulevard, San Leandro, suggested that there was not enough information on how the project will be managed.

Paula Frankher, 22414 Montgomery Street, said she was totally opposed to the project. She indicated that the neighborhood could not afford to support any more programs.

The public hearing was closed at 8:23 p.m.

Commissioner Caveglia moved, seconded by Commissioner Halliday, to recommend that the City Council approve the zone change application and negative declaration. He said that the only crime committed by the people who would be occupying this housing was that they were poor. This program is one the government does not do very well and it is important to support private organizations who do this. The project looks excellent. It is a good location for it. It will not affect the neighborhood except in a positive way. He highly recommended pushing this project to Council as very positive for the community.

Commissioner Williams noted that the residents in this area have consistently asked the City for relief from inundating their area with programs. He added that, with the number of units suggested, the plan does not lend itself to the possibility of neighborhood discord or give enough individual space to occupants. He indicated that there was not enough information provided to make an adequate decision.



# REGULAR MEETING OF THE PLANNING COMMISSION, CITY OF HAYWARD, Council Chambers

Thursday, February 10, 2000, 7:30 p.m. 777 "B" Street, Hayward, CA 94541

Commissioner Halliday pointed out that she would support the motion because there is a need for this type of housing in the neighborhood. She added that this housing should not cause the type of problems in the neighborhood experienced in the past. She expressed reservations about the lack of a children's play area. She suggested that other organizations in the City could advise the Society on helping their residents.

Commissioner Bennett asked whether the Commission could include conditions regarding the programs connected to the proposal.

Assistant City Attorney Nakatsu responded that the Conditions needed to be tied to the land use impacts of the proposed project. She suggested asking either the staff or the applicant might come back with a report on the success of the program.

Commissioner Bennett stated that, as much as she would like to approve the proposal, her perception is that the program sponsors could possibly do more harm than good from lack of experience. She also suggested that the garages configured with cottages five and six might be better planned or possibly eliminated so that a tract map overlay might be more reasonable.

Commissioner Zermeño offered a friendly amendment asking for one of the cottages to be used as a child care center. Commissioner Caveglia declined to accept the amendment since he did not feel the Commission was to be building programs for the organizations. He also indicated that the priority on this site should be housing.

Commissioner Bogue said the map that would come back, would have to be a condo map, but he could not envision group open space or a tot lot. As a result, based on not having those requirements, he said he could not approve this site plan.

Commissioner Bennett asked staff whether why this particular project has no requirements to deal with children.

Senior Planner McClellan responded that there is 15 feet or more of rear yards behind the units that could be fenced off privately to each unit for a small play area. He added that the City is not requiring that every approved residential project to have a play area.

Chairperson Fish said he would be supporting the project. He indicated that it was obvious that the layout was studied at some length. He added that the design of the buildings is a complement to the architect. He agreed with Commissioner Caveglia that the provision is for housing and not programs. He also indicated that this would be new housing in the area.

The motion failed by the following vote:

AYES:

COMMISSIONERS Caveglia, Halliday

CHAIRPERSON Fish

NOES:

COMMISSIONERS Bennett, Bogue, Williams,

Zermeño

ABSENT: None ABSTAIN: None

Commissioner Zermeño then proposed a motion approval of the project with a total of nine cottages and more space provided for children.

The motion died for lack of a second.

Planning Manager Anderly clarified that, since this was a recommendation to the City Council, unless appealed to the City Council within ten days, this action was final.

Site Plan Review Application 99-130-15, ASP Alameda, LLP Applicant/ Owner) — Request to develop a 6-story, approximately 185,000 sq.ft., office building to house the Alameda County Social Services Agency's staff and functions. The project is located at the northeast corner of West Winton Avenue and Amador Street.

Associate Planner Patenaude described the project as being on the old Daily Review building site. He suggested that the new structure would form a part of the Alameda County campus in the area. He said that 90 percent of the clients are assumed to be already clients of the existing programs currently in the area. He then delineated the parking situation as well as the traffic amenities that would be implemented. He showed the drawings of the building and described in detail plans for the structure.

Principal Planner/Landscape Architect Woodbury, in turn, detailed the arrangements for parking at the structure. She said staff had determined that all 744 parking spaces should be implemented. However, further evaluation of the parking situation might be determined after two years.

In response to a question from Commissioner Halliday as to the parking fee for the area, she indicated that it would continue. Presently clients are issued vouchers for parking and employees pay a \$30 monthly fee. Commissioner Halliday also asked whether a study had been performed as to the transit use, both in the area and with clients particularly. She was told none had been done in conjunction with this project.

Commissioner Zermeño said he liked the friendliness with public transportation and would propose more bike slots for the project.

Principal Planner/Landscape Architect Woodbury indicated that the developer had already proposed more bike racks near the building.

Commissioner Williams said that, in previous meetings in the neighborhood, the neighbors are already concerned about staff parking in front of their homes in order to save the parking fees in the garage. He wondered if this project is going to relieve the area.

Principal Planner/Landscape Architect Woodbury said that involves speculation. Many of the street parkers walk to nearby businesses.

Commissioner Williams said that if parking is not within the reach of people, they will park



### CITY OF HAYWARD AGENDA REPORT

Planning Commission

Meeting Date 10/14/99 4/6-00

Agenda Item 1

TO:

PLANNING COMMISSION

FROM:

Sheldon McClellan, Senior Planner

SUBJECT: Zone Change 99-190-01 – Society of Saint Vincent de Paul (Applicant/Owner): Request to change zoning from Central City-Commercial Subdistrict/Cottage Special Design Overlay District (CC-C/SD-3) to Planned Development District/Cottage Special Design Overlay District (PD/SD-3) to construct ten residential cottages and extend Grace Court (private street) to Melvin Court. Property is generally located on Grace Court between Grace Street and Smalley Avenue and at 22331 Mission Boulevard.

#### **RECOMMENDATION:**

Staff recommends that the Planning Commission recommend that the City Council:

- 1. Approve the attached Negative Declaration.
- 2. Approve the Zone Change.

#### DISCUSSION:

#### Background

The North Hayward Neighborhood Plan was adopted in July 19, 1994. This planning effort provided the neighborhood an opportunity to review land use policies and other General Plan policies for the larger neighborhood including the subject site. The Neighborhood Plan reflects the neighborhood's preference for single family cottage development in the area and on the site and did so by making design provisions for the cottage development within the North Hayward Neighborhood Plan.

#### Surrounding Land Uses

The site is bounded on the northerly side by Grace Street. Across Grace Street is a mixture of single-family and multi-family units. The west side of the property abuts single-family and multi-family dwellings and a commercial building that fronts Smalley Avenue. Commercial uses front Mission Boulevard. The site is bounded on the southerly side by Smalley Avenue and Melvin Court. Automotive related uses are located across Melvin Court. Across Smalley Avenue is a mixture of residential dwellings and vacant commercial property.

#### Property/Project Description

The site is comprised of 4 parcels totaling 1.9 acres. The larger (1.37 acres) of the 4 parcels is irregular in shape and includes the former Ritz Theater building that is now used as a retail thrift store by the Society of St. Vincent de Paul, an adjacent parking lot with access from Mission Boulevard and a small cottage that fronts Melvin Court. This parcel also includes an auto storage lot leased out to another business that is located at the property frontage along Smalley Avenue and Melvin Court. The other three parcels are behind and west of the thrift store and parking lot and have frontage on Grace Court, a private street that terminates behind the store and is part of the larger 1.37-acre parcel. These three smaller parcels are developed each with a small one-story cottage. The land around these units is open and is not fenced except for an 8-foot-high chain-link fence that surrounds the entire 1.9-acre site to the west and along the street frontages of Grace Street and Smalley Avenue. The site is void of any landscape treatment around the dwellings, but several large trees on the property are to be retained. A landscape planter adjacent to Mission Boulevard that enhances the thrift store parking lot is well maintained.

The applicant proposes to consolidate the four parcels into one parcel and rezone the property from CC-C (Central City-Commercial) Subdistrict/SD-3 (Cottage Special Design Overlay) District to PD (Planned Development) District in order to construct a housing project behind the thrift store consisting of ten new cottages and the relocation of one unit of four existing units on the property.

The existing four units and the proposed ten cottages will be a rental housing project operated by the Society of St. Vincent de Paul, an international Catholic organization that provides assistance to the poor and needy. Eden Housing has been approached by the Society to consider management of the cottage units. The development is to remain open and no fencing is proposed between units except at the rear where private yards may be created for privacy. Although the Society intends to operate the facility as rental housing, staff recommends that a subdivision map be filed to provide greater flexibility in meeting future ownership housing demands. As such, a condition of approval has been added to that effect and requires that, prior to approval of the precise plan, that a tentative map be filed and approved.

#### Conformance to the General Plan/Neighborhood Plan

The General Policies Plan Map designates this area as COMMERCIAL/HIGH DESTINY RESIDENTIAL. The proposed construction of 10 new residential cottages on the property complies with the plan designation. The net area of the residential development site is 1.2 acres. With the existing four units and the proposed 10 new cottages being developed on this property, the net density is 11.6 dwellings per acre or approximately 3,765 square feet of land area per dwelling unit. The General Plan Zoning Consistency Matrix lists projects with densities up to Medium Density, 4,000 square feet per dwelling unit as being potentially consistent with the plan.

The project is consistent with the purpose of the Planned Development District in that it fosters a well-designed residential development that incorporates a combination of building setback and open space configuration. It takes advantage of the site and maximizes the property's use while maintaining harmony with the surrounding neighborhood.

The proposed project is subject to the policies contained in the North Hayward Neighborhood Plan, which was adopted by City Council on July 19, 1994. The North Hayward Neighborhood Plan sets forth the following land use policies:

#### Support neighborhood character in land use policies.

North Hayward Neighborhood Plan land use strategies include:

# B (1). Keep the Montgomery Area as a family neighborhood with traditional features.

- a. Retain the appearance of single-family homes in residential development along Peralta, Montgomery, Sunset, Simon, and Grace.
- b. Require new development on Montgomery, Peralta, Grace, Simon and Sunset to continue front lawns, porches and gabled rooflines. Double garages in front, extensive paving and stark elevations do not fit.
- e. Zone residential areas on Pearce Street, Grace Court and Smalley to allow residences. Seek to replace auto repair uses over time.

#### B (2) Retain the historic pattern of Pearce Street.

- a. Allow narrow streets and cottages on small lots so existing development is conforming and new development of the same style is allowed on both sides of the street.
- b. Also allow cottage development on Grace Court to Smalley to extend pattern.
- c. Apply a Special Design District Zoning Overlay to Pearce Street allowing small lots and requiring only one parking space for small houses.

#### Request City-wide Policies for Neighborhood Safety and Stability

Assure that all providers of drop-in recovery or socialization centers, transition and half-way housing and group homes with over six residents have a limited impact on neighborhood character including parking, property maintenance and client conduct. Neighborhood residents should be notified of whom to contact at the social service agencies to solve problems.

The proposed Planned Development zoning is still consistent with the policy of the North Hayward Neighborhood Plan to preserve the single-family character of the neighborhood and build cottage-type units. The existing CC-C Subdistrict/SD-3 (Cottage Special Design Overlay)

District does not permit the construction of single-family detached homes, and thus, the request for Planned Development District zoning to carry out the mandate of the neighborhood plan.

The North Hayward Neighborhood Plan task force expressed major concern regarding the establishment of transitional housing, half-way houses and drop-in socialization and recovery centers within their neighborhood. They did not negate the idea of allowing cottage-like units for families. The proposed project is not like the typical uses that they expressed concern about. This project will provide short term housing for families in detached cottages, which will be consistent with the North Hayward Neighborhood Plan. These units are to be low market rate and affordable units as start up housing for families in need. After a period of time (approximately 6 months to 1 year), the occupants will be moved on to other housing and then the units will be offered to other needy families. Staff has understood that while this housing is short-term in the sense that families would not be permanently occupying the units, the proposed cottages are unlike the half-way houses and large group homes specified in the North Hayward Neighborhood Plan as being a concern to area residents.

#### Requirements for Cottage Special Design District (SD-3)

The North Hayward Neighborhood Plan states that this overlay district allows an historic pattern of small-lot, single-family cottage development near town and transit which would otherwise be precluded by contemporary lot size, front setback and parking requirements. Cottage development may utilize lesser lot sizes and parking requirements herein; other development shall follow the lot size, setbacks and parking requirements of the underlying district and respect the context of small-scale residential development in design and siting. The development plan submitted within the proposed Planned Development District provides for the requirements of this Cottage Special Design District (SD-3) except where noted below.

#### Parameters of Cottage Development:

- 1. A Cottage should not exceed 1200 square feet of living space or have more than 900 square feet on one floor. The proposed 10 units do not exceed the maximum unit size of 1200 square feet, but since the units are only one story, they exceed the allowable 900 square feet per floor by 62 square feet. Staff believes that this is a minor point of non-compliance. A reduction of floor area does not necessarily mean that the project would be improved.
- 2. Maximum Building Height shall be 28 feet. The proposed models have an actual roof height of 15 and 17 ½ feet.
- 3. Minimum Front Setback shall be 10 feet, unless nearest cottage on same side of street has less. Because three cottages already exist on Grace Court and are closer than 10 feet, the general layout is set. Cottage No. 4 is to be relocated so that the site area between other existing units meets a favorable pattern. Cottage No. 5 (existing unit) will only be approximately 4 feet behind the proposed sidewalk and the porch is directly behind the setback. New cottages will be positioned approximately 8 to 13 feet from the inside of the

sidewalk along the private street. The entry porches penetrate the setback area and would be as close as 4 feet to the sidewalk. The cottage porches on the east side of Grace Court would have approximately 7 feet of landscaping between them and the sidewalk.

4. Minimum Rear Setback shall be 20 feet. Technically, the property has triple frontage and no rear yard. The off-site units that are adjacent to the westerly property line are situated as a side yard setback. All the proposed cottages have an approximate 15-foot setback to either the westerly property line or the proposed masonry wall that will divide the commercial site from the area to be developed with cottages on site. A 20-foot setback is not possible because of given conditions of the present site development of existing units or the position of Grace Court on the site. Staff believes that to request a minimum rear yard setback of 20 feet for each unit would negate the entire project since the existing road configuration of Grace Court and placement of units already along this private street limit the site area to provide this setback.

#### **Site Development**

In order to provide improved access to these new units, Grace Court will be extended and connected to Melvin Court. Grace Court will remain a private street. The thrift store and parking lot are to be sectioned off from the residential area by masonry wall. Access to the unloading area and rear door of the thrift store will be provided from the parking lot.

The applicant proposes to maintain and operate the thrift store as a means of income to finance their commitment to helping those who are in need. With the recent City Council approval of the revisions to the Zoning Ordinance, thrift stores will no longer be permitted uses in the CC-C Subdistrict. The conditions of approval of this project includes a condition that if the owner sells the property or no longer operates the thrift store, that the use will no longer be permitted on the property.

The legal, nonconforming thrift store operates with incoming donated goods being passed through a rear door of the store. An 8-foot high masonry wall is proposed to divide the site and separate the commercial and residential uses and should act as a sound barrier between the unloading area of the store and parking area next to Cottages Nos. 12 and 13. A condition of approval requires that a pedestrian door with security lock be placed in the wall to allow access between the properties. The thrift store is in need of maintenance and the conditions of approval require that the building be repainted and that additional landscaping be placed within the parking lot to meet current City standards.

#### Unit Design

The applicant proposes two model types. Each model contains 962 square feet of floor area. The floor plan for each appears to be identical except for the size of the front porch and the roof structure, which gives each model a totally different appearance. Some units are reversed which also adds to their diversity. As with the existing four units on the property, the models are to be single story and contain two bedrooms, one bath, and a formal dining room. An area

is provided for laundry facilities within each unit. Front porches range between 182 and 214 square feet each. Units No. 10 and No. 11 are designed to take advantage of their corner lot presence on Smalley Avenue and Melvin Court and have wrap-around porches that are 286 square feet in area. Small back porches are also provided.

The design of the two cottage models reflects the Craftsman Style with some detailing such as wood brackets and 2 x 4 open truss work under the pitched composition shingle roofs. As with the Craftsman Style, a medium-pitched gable roof is proposed with a dormer where roof venting is needed. Wood columns, pickets on porch railings and latticed-openings below the porches add to the design of these modest-sized units. Exterior 1 x 8 horizontal wood siding is used on all the units that will relate to the clapboard siding used on three of the four existing units. The dwelling located on the Melvin Court frontage is a different design than the other units and is clad in stucco. Windows of the proposed units are shown to be horizontal type with wood trim. Typically, pioneer cottages had double-hung, vertical windows. A condition of approval has been included requiring that double-hung windows be used on the new construction to match the window type already in place on existing units. Overall, staff believes that the project architect has done a very good job in creating a cottage unit that ties in well with the neighborhood and units on the property. Final colors for the cottages have not yet been selected, but they are to be painted in light earth tones that will blend in with surrounding development.

In keeping with the Cottage District development pattern, detached garages are proposed at the rear of the properties where feasible. The proposed cottages located on the east side of Grace Court have limited area to the width of the area where the units are to be placed, so the garages are placed in the area where a lesser depth occurs behind the thrift store. Garages are also proposed for the four existing units that presently have none. To lessen the amount of asphalt within the project, and to increase landscaping around the cottages, the garages have been placed in pairs with shared driveways between them except for unit 11 which has a detached single-car garage. As with units 3, 4, 5 and 6, all four units share a driveway. Even though some of the garages are not directly adjacent to the corresponding unit, staff does not believe this to be a negative element of the plan. The architect also planned for guest parking above the required one off-street parking space. Where feasible, some driveways have sufficient area in front of the garages for additional open parking. These pavement areas will also provide play areas for children when not used for parking. Five additional open visitor-parking spaces are also provided within two bays at the center of the private street.

#### Grace Court

It is proposed that Grace Court (a private street) be extended to intersect with Melvin Court (a one-way street going west/south bound between Mission Boulevard and Smalley Avenue. The right-of-way width of Grace Court will be 25 feet with a curb-to-curb width of 24 feet providing for two travel lanes. The street will be posted for "No Parking" in order to meet the minimum 20-foot width required by the Fire Department. The street will provide for two-way traffic flow to both Grace Street and Melvin Court. The plans indicate 4-foot wide sidewalks on both sides of the private street.

#### Grading

It is anticipated that only minor grading will be required for development of the property. The proposed minimal grading to be done will not interfere with the existing drainage patterns of the adjacent sites nor will the development augment drainage to the surrounding area.

#### Soils, Geology

A geotechnical investigation was performed on the site by MS Geotechnical Consulting, dated December 18, 1986. While most of the property is within the Earthquake Fault Zone, trenching at the rear of the property where proposed cottages are to be constructed indicates that the site is free from any active faulting and the report does not reflect any significant soil problems. At the city's request, the applicant's geologist, Mervel Engineering, Inc., has updated certain information of that earlier prepared report. These additions to the report were found to be acceptable. The City's peer review consultant concludes that the applicant's engineer has addressed all concerns previously expressed and that the active trace of the Hayward fault is located east of Mission Boulevard, well east of the proposed development and that the report concludes that there is a low probability of active faulting occurring at the site. Foundation design and other geotechnical aspects of development will be designed based on recommendations by a qualified soil engineer.

With a change in land use where the vehicular storage yard is located at Smalley Avenue and Melvin Court, the City Hazardous Materials Specialist has requested that a phase I preliminary site assessment be conducted prior to the issuance of a building permit to assure that no minor ground contamination has occurred from the vehicular storage yard. The conditions of approval require the developer to resolve all contamination issues to the satisfaction of the Alameda County Health Care Service Agency and the City prior to any construction activities.

#### **Environmental Review**

Consistent with State CEQA and City Guidelines, an Initial Study and Negative Declaration were prepared and circulated for a period of 20 days beginning on August 13, 1999. A notice of its availability for review and notice of this hearing were sent to all property owners and occupants within 300 feet of the perimeter of the property and to other interested parties. The environmental review concluded that the project would not have a significant effect on the environment.

#### Public Hearing Notice/Neighborhood Meeting

On August 13, 1999 and October 1, 1999, notices of the Planning Commission public hearing was mailed to all property owners and occupants within 300 feet of the project boundaries, other interested parties, and former members of the North Hayward Neighborhood Task Force. No written responses from the notices have been received as of the date of this writing except for one letter that was generated from a newspaper article that appeared in the Daily Review. The letter expressed opposition to the proposed project (see attachments).

On September 8, 1999, the City held a neighborhood information meeting to obtain comments from the area residents relating to the design of the project and the type of housing being proposed. Notices for this special information meeting were mailed to all property owners and occupants within 300 feet of the project boundaries, other interested parties, and former members of the North Hayward Neighborhood Task Force. A total of 13 persons attended the meeting, 7 of these persons were from the neighborhood or expressed an interest in the project. These persons unanimously supported the project and said that they hoped it would be constructed since they believed it would improve the neighborhood. All persons believed that if the project were managed by professional staff, that they would not be concerned about the needy families occupying the cottages.

#### **CONCLUSION** ·

The zone change to Planned Development District with the proposed conditions of approval to allow single-family residential development to occur on the property is consistent with the intent and policies of the *General Policies Plan* and the *North Hayward Neighborhood Plan*. Both encourage development of the area with small cottage dwellings. The project is compatible with the surrounding uses and the development pattern, will enhance the residential character of the area.

#### Prepared by:

Sheldon R. McClellan

Sheldon R. McClellan

Senior Planner

Recommended by:

Dyana Anderly, AICP

Planning Manager

#### Attachments:

- A. Area map/Zoning Map
- B. Findings for Approval (Zone Change 99-190-01)
- C. Conditions of Approval
- D. Negative Declaration & Initial Study
- E. Letter, dated September 5, 1999

Development Plan

#### RECEIVED

September 5, 1999

SEP 0 7 1999

#### PLANNING DIVISION

Dear Mr. McClellan:

This letter is in response to our conversation yesterday, concerning the construction of 10 cottages on Grace Court.

We are unable to attend the meeting on September 8, 1999. However, we have strong objections and concerns about this proposal.

As far as we are concerned, our neighborhood has more than its share of transitional housing.

I understand only residents within 300 yards of the proposed housing were notified about this meeting on the 8th. We feel this is unfair and unreasonable. The city needs to reach more residents and inform them.

The Second Chance organization is a good example of what can happen to uninformed neighborhood.

Please count us as a no vote. We live here and are subjected to your actions.

Sincerely,

Mr. & Mrs. David Kolm

#### FINDINGS FOR APPROVAL

#### ZONE CHANGE APPLICATION 99-190-01 Society of Saint Vincent de Paul

Based on the staff report and the public hearing record, the City Council finds:

- A. That the development is in substantial harmony with the surrounding area and conforms to the General Plan and applicable City policies in that the project is infill residential at a density and type allowed by the North Hayward Neighborhood Plan and the Downtown area and adds to the existing housing type on the property.
- B. That the streets and utilities, existing or proposed, are adequate to serve the development and meet the minimum development standards of the city.
- C. The development creates a residential environment of sustained desirability and stability with small cottage-like units that tie into the existing layout and design of dwelling units on the property. Existing public facilities, such as parks and playgrounds are adequate to serve the anticipated population. The development will have no substantial adverse effect upon surrounding development.
- D. The project will be constructed in a single phase and all elements of the project, such as street extension, parking, placement of fencing and the sound wall, will be developed with the initial construction.
- E. That the proposed setback from the private street to the new dwellings is adequately offset or compensated for by providing continuity within the project with the setback of existing units, that a unique housing type be provided that fulfills the intent of the General Plan for cottage-style, single-family detached, low-income housing in the area, that much of the site is to be landscaped with pavement held to a minimum and that the site plan lends itself to place the cottages on separate lots if they are to be sold as independent units.

#### CONDITIONS OF APPROVAL

Zone Change 99-190-01 Society of Saint Vincent de Paul (Applicant/Owner)

Request to rezone property from CC-C (Central City-Commercial) Subdistrict/SD-3 (Cottage Special Design Overlay) District to PD (Planned Development) District/SD-3 (Cottage Special Design Overlay) District in order to construct ten new cottages and to relocate one unit of four existing units on the property, to extend Grace Court (private street) to Melvin Court. Property is located at 757 Grace Street, 773 and 765 Grace Court and 808 Smalley Avenue running between Grace Street and Melvin Court and Smalley Avenue and at 22331 Mission Boulevard, westerly side, 100 feet south of Grace Street.

- 1. This permit becomes void one year following the date of approval by the City Council, unless prior to that time a Precise Plan is submitted or an extension is approved. A request for a one-year extension(s), approval of which is not guaranteed, must be submitted to the Planning Director at least 30 days prior to the expiration date.
- Prior to approval of the precise plan, the City shall approve a tentative map, final
  map and improvement plans for the project. The final map shall incorporate all
  necessary easements and shall designate the extended portion of Grace Court as an
  approved private street.
- 3. Prior to issuance of a building permit, the final map shall be recorded in the office of the Alameda County Recorder.
- 4. All improvements shown on the Precise Plan must be installed before approval of occupancy of any unit within the project.
- 5. The Precise Plan shall be submitted for approval of the Planning Director and shall include a detailed landscaping and irrigation plans for all common areas, detailed plans for all site amenities within the common areas, details for fencing of private yards, samples of colors and materials for all exterior building materials, screening of all above ground utilities, transformers, and utility meters, and the submission of a Phase I report.
- 6. The thrift store on the property shall be considered a legal, non-conforming use within the Planned Development District as long as it is operated by the Society of Saint Vincent de Paul. If the property is sold or the thrift store is no longer to be operated by the Society of Saint Vincent de Paul, then the thrift store shall cease operation and no longer be permitted as a use on the property.

- 7. The landscaping and irrigation plans shall be prepared by a licensed landscape architect and submitted for review and approval by the City. Landscaping and irrigation plans shall comply with the City's Water Efficient Landscape Ordinance.
  - a. One 15-gallon street tree is required for every 20 lineal feet of frontage on Smalley Avenue, Melvin Court, Grace Court and Grace Street. Trees shall be planted according to the City Standard Detail SD-122.
  - b. A minimum of one 15-gallon evergreen tree shall be planted every 20 feet along the west property line and adjacent to the St. Vincent de Paul store and parking/loading area.
  - c. The planters on Mission Boulevard shall be re-landscaped to include shrubs, groundcovers and three 24-inch box street trees.
  - d. The St. Vincent de Paul parking lot shall include one 15-gallon tree for every 6 parking stalls. Parking lot trees shall be planted in tree wells or landscape medians located within the parking area. Parking rows shall be capped with a landscaped median. All tree wells and medians shall be a minimum of 5 feet wide measured inside the curbs.
  - e. Masonry walls shall be screened on both sides with evergreen vines planted 5 feet apart.
  - f. All above ground utilities, mechanical equipment and trash enclosures shall be screened from the street with vines and shrubs.
- 8. Existing trees shall be preserved as indicated on the Conceptual Landscape Plan. Grading and improvement plans shall include tree preservation and protection measures. Trees shall be fenced at the drip line throughout the construction period.
- 9. All landscaping and irrigation shall be installed prior to acceptance of site improvements, or occupancy of 80 percent of the dwelling units, whichever first occurs.
- 10. Park Dedication In-Lieu Fees are required for each new dwelling unit. Fees shall be those in effect at the time of issuance of the building permit and shall be paid prior to occupancy

- 11. Landscaping shall be maintained in a healthy, weed-free condition at all times. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30 percent die-back) shall be replaced within ten days of the inspection.
- Trees shall be preserved in accordance with the *Tree Preservation Ordinance*. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to Municipal Code. A tree removal permit is required prior to the removal of any tree. Replacement trees shall be required for any trees removed, as determined by the City Landscape Architect.
- 13. Landscaping and irrigation plans shall comply with the City's Water Efficient Landscape Ordinance. A Certificate of Substantial Completion and Irrigation Schedule shall be submitted by the project landscape architect prior to approval of occupancy.
- 14. Prior to issuance of a building permit a certificate of merger, combining all affected parcels into one parcel, shall be recorded in the office of the Alameda County Recorder.
- 15. Parking stalls and maneuvering areas shall comply with the requirements of the City Off-Street Parking Regulations.
- 16. The parking lot for the St. Vincent De Paul store shall include two handicap parking stalls that meet Title 24 and American Disabilities Act (ADA) requirements. The locations of the handicap parking stalls shall be approved by the Planning Director.
- 17. The parking lot for the St. Vincent De Paul store shall be modified to provide an on-site circulation area. The design shall be approved by the Planning Director.
- 18. Each open parking space within a bay shall be provided with a Class "B" Portland Cement concrete bumper block except where the space has a continuous concrete curb which is not less than 6 inches in height above the finished pavement.
- 19. Where any landscaped area adjoins parking areas, Class "B" Portland Cement concrete curbs shall be constructed to a height of 6 inches above the finished pavement.

- 20. Each unit garage shall be equipped with an automatic garage door opening mechanism.
- 21. Detached garages shall reflect the same architectural design of the cottages. The double car garages shall be divided for separate usage. The minimum interior dimension of garage spaces shall be 11 feet by 19 feet for parking plus additional area to accommodate storage of garbage and recycling containers. The design and construction of the garage shall be executed to accommodate building codes without the use of parapet walls dividing the roof structure.
- 22. The garage of each unit shall be maintained for off-street parking and shall not be converted to living area or storage. Parking stalls shall be used only for vehicles in operating condition and no recreational vehicles or trailer-hauled boats may be parked or stored within the project. Vehicles parked contrary to this provision shall be removed by the owner or property manager. The owner/property manager shall include in any rental agreement authority to tow illegally parked vehicles.
- 23. Individual garbage can(s) and recycling bins shall be kept within the garage of each unit except upon pick-up day.
- 24. Exterior hose bibs shall be provided for each unit within the private open space areas and the front and rear yard areas.
- 25. No external individual television or radio transmission or reception antennas shall be permitted except small DBS or DSS type antennas. Enclosed attic antennas or other approved system shall serve all dwelling units.
- 26. The Precise Plan shall include details of all project fencing. Fencing shall be attractive and shall be approved by the Planning Director. Fencing for the project shall be as follows:
  - a. All chain-link fencing shall be removed from the property.
  - b. A 6-foot-high decorative solid board fence shall be constructed along the westerly property line except where the property abuts the commercial building that fronts Smalley Avenue. The wood fence shall step down to a maximum 4-foot-height within 20 feet of the sidewalk along Grace Street.
  - c. A 6-foot-high decorative-concrete block or precast-concrete wall shall be placed along the westerly property line between the commercial building and Smalley Avenue. The concrete wall shall step down to a maximum 4-foot-height within 10 feet of the sidewalk along Smalley Avenue.

- d. A 6-foot-high decorative wood fence shall be placed along the side property line abutting Grace Court and single-family dwelling located at the southeast corner of Grace Street and Grace Court. The fence shall step down to a maximum of 4 feet high within 10 feet of the sidewalk along Grace Street. The fence shall then extend around the rear of the dwelling along the north property line to its intersection with Mission Boulevard. The fence shall then step down again to a maximum 4 feet high within 10 of the Mission Boulevard sidewalk.
- e. The residential portion of the property shall be separated from the commercial store and parking lot by an 8-foot-high decorative precast or masonry wall.
- f. If fencing is desired at the rear of the cottages for privacy or individual activity areas, the fencing shall be a maximum height of 6 feet and shall incorporate a design that blends in with the cottage/Craftsman design theme.
- 27. Utility meters shall be located at the side of each of the units and shall be screened by plant material or other approved material and shall provide sufficient distance for reader access.
- 28. Adequate decorative lighting consistent with the cottage architectural style shall be provided along the private street, parking bays, and along the sidewalk areas. The type of lighting fixtures and location shall be approved by the Planning Department and shall reflect the design and theme of the project. In addition, a lantern style pedestrian light at the front entry walk shall be provided. Exterior lighting shall be shielded and deflected away from neighboring properties. Any pole lighting shall not exceed 14 feet in height unless waived by the Planning Director.
- 29. A minimum of 100 square feet of usable open space per dwelling shall be maintained within close proximity to each residential building.
- 30. Any minor alteration to the proposed design, which does not require a variance out of character to the intent of this project approval or to any zoning code, may be approved by the Planning Director.
- 31. All exterior building materials and colors shall be approved by the Planning Director.

- 32. The property owner or assigned management company shall maintain in good repair all building exteriors, fencing, parking and street surfaces, landscaping, lighting, drainage improvements, etc. Any graffiti painted on the property shall be painted out or removed within seven days of occurrence.
- 33. Mechanical equipment, such as air conditioners and solar collectors, shall be prohibited on the roof.
- 34. Double hung windows shall be incorporated into each unit.
- 35. Prior to approval of occupancy of each unit, applicable Supplemental Building Construction and Improvement Tax and Park Dedication In-lieu Fees shall be paid. Taxes and fees shall be those in effect at the time of issuance of the building permits.
- 36. The minimum building setbacks from property lines shall be as shown on the approved Preliminary Development Plan.
- 37. Development shall comply with the City's Security Ordinance.
- 38. Prior to occupancy of any new cottage unit on the property, the applicant shall repaint the retail building. The color scheme shall be approved by the Planning Director.
- 39. A Phase I report shall be done on the property to address the area where automobile storage has occurred. Any contamination on the property identified shall be addressed and removed to the satisfaction of the City Hazardous Materials Coordinator.

#### Street:

- 40. Grace Court shall be extended to Melvin Court. The street extension improvements shall be designed to match the existing Melvin Court improvements.
- 41. The private street shall be designed in conformance with the City Standard Detail SD-102. The proposed street shall have a 25-foot-wide right-of-way supporting a 24-foot-wide curb-to-curb section. A 4.5-foot-wide sidewalk and a 6 foot Public Utility Easement (P.U.E.) shall abut both sides of the street right-of-way.
- 42. The private street improvements shall conform to public street standards. A plan, prepared by a registered Civil Engineer, that indicates a street profile, underground utilities and street structural section shall be submitted and approved by the City Engineer.

- 43. The curb returns at the intersection of Grace Court and Melvin Court shall have face of curb radius of 20 feet.
- 44. No parking signs shall be posted on both sides of the private street. The street curbs shall be painted red. Tow-away signs shall be provided for illegally parked vehicles and the property owner shall monitor the street for compliance.
- Adequate decorative street lighting consistent with the cottage architectural style shall be provided along the Grace Court and Melvin Court property frontages. Street light poles must be placed behind the sidewalk in the P.U.E. The design and location shall be approved by the City Engineer.
- 46. Prior to occupancy of any unit, Grace Court and the portion of Melvin Court fronting on the project shall be improved to private and public street standards.

#### Water:

- 47. The water main within Grace Court shall be extended and connected to the existing 6-inch main within Melvin Court.
- 48. Water meters that serve the existing structures that are to be abandoned shall be removed by City Water Distribution Personnel at the developer's expense.
- 49. The water main shall be located 5 feet off of the face of curb. The minimum separation between a water service line and a sanitary sewer lateral shall be 6 feet, and between sanitary sewer main and water main shall be 10 feet. Water meters shall be a minimum of 2-foot clear of top of driveway flare.

#### Sanitary Sewer:

50. The existing 6-inch sanitary sewer main on Grace Court shall be extended to serve the development. The design shall be approved by the City Engineer.

#### Storm Drainage:

51. A storm drain line shall be installed within Grace Court to serve the project. The drainage pipe shall connect to the existing 21-inch storm drain main in Grace Street. The size, type and location of the storm drainage pipe shall be approved by the City Engineer.

#### Building Construction and Fire Protection:

52. Fire hydrants shall be installed along the Grace Court (new) at every 400 feet of travel distance. Fire hydrants shall meet City of Hayward standards and provide a minimum of 1500 GPM @ 20 PSI.

- 53. All new or relocated cottages shall apply for the proper building permits.
- 54. All cottages shall have smoke detectors installed per the Uniform Building Code.
- 55. All cottages shall have a minimum Class C roofing.
- 56. All cottages shall have a minimum 6-inch self-illuminated address numbers installed so that they are visible from the street.
- 57. Solid waste and recycling requirements shall be as follows:
  - a. The applicant shall ensure that adequate storage space be located inside each home or garage for the containers for garbage (32-, 64-, or 96-gallon, two-wheeled cart), recyclables (two 18-gallon bins), and yard trimmings (64-, or 96-gallon, two wheeled cart). The storage area required for each cart or pair of bins is 36 x 36 inches, or a total of 9 feet long x 3 feet wide.
  - b. If project landscaping is to be maintained by an outside contractor, then provision shall be made for the storage of green waste or shall be hauled off the site.
  - c. The applicant shall submit for City review an on-site recycling plan, which will be implemented during the entire demolition and construction phases.
    - (1) The plan shall show the anticipated start and completion dates of the project.
    - (2) Provide an estimate of the quantities of construction and demolition waste that will be generated by the project.
    - (3) Estimate the quantities of material that will be recycled and identify the facilities that will be used.
  - d. The Applicant must ensure that construction and demolition debris is removed from the site by a licensed contractor as an incidental part of a total construction, remodeling, or demolition service offered by that contractor, rather than as a separately contracted or subcontracted hauling service using debris boxes.
  - e. The Applicant must contact the City's franchised hauler, Waste Management of Alameda County, at 537-5500 to arrange for delivery of containers with sufficient capacity to store construction and demolition materials to be landfilled.

58. The operator of the facility shall provide on an on-going basis the name and number of a contact person who manages the property to surrounding residents and business owners.



# DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT Planning Division

#### NEGATIVE DECLARATION

Notice is hereby given that the City of Hayward finds that no significant effect on the environment as prescribed by the California Environmental Quality Act of 1970, as amended will occur for the following proposed project:

#### I. PROJECT DESCRIPTION:

ZONE CHANGE 99-190-01 - SOCIETY OF SAINT VINCENT DE PAUL. (APPLICANT/OWNER). Request to rezone property from CC-C (Central City-Commercial) Subdistrict/SD-3 (Cottage Special Design Overlay) District to PD (Planned Development) District/SD-3 (Cottage Special Design Overlay) District in order to construct a transitional housing project consisting of ten new cottages and to relocate one unit of four existing units on the property, to extend Grace Court (private street) to Melvin Court. Property is located at 757 Grace Street, 773 and 765 Grace Court and 808 Smalley Avenue running between Grace Street and Melvin Court and Smalley Avenue and at 22331 Mission Boulevard, westerly side, 100 feet south of Grace Street.

#### II. FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:

The proposed project, as conditioned, will have no significant effect on the area's resources, cumulative or otherwise.

#### **III.FINDINGS SUPPORTING DECLARATION:**

- 1. The project application has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared for the proposed project. The Initial Study has determined that the proposed project could not result in significant effects on the environment.
- 2. The project is in substantial harmony with the surrounding area since the project proposes a continuation of small detached cottage-like units that are on the property and similar to the small single-family dwellings found along Grace Street and alson Pierce Street and in conformance with the General Policies that calls for development of this type of development within the SD-3 (Cottage Special Design Overlay) District of the North Hayward Neighborhood Plan

- 3. Existing streets in the area and with the extension of Grace Court (a private street) and existing utilities are all adequate to serve the proposed additional 10 units on this property.
- 4. The development as designed creates a residential environment of sustained desirablility and stability in that each of the proposed 10 cottages in conjunction with the existing four cottages on the site are located along the Grace Court so that each unit will have a private private covered garage parking space, an open visitor parking stall within the driveway or adjacent parking bay, provision of private usable open space adjacent to the unit, and that the development site is near to parks and schools and that the project will have no substantial adverse effect upon surrounding development.
- 5. The requested exception to the intent of the North Hayward Neighborhood Plan provisions for requirements for cottage special Design District (SD-3) for a minimum rear yard of 20 feet is justified in this particular development since the property has triple street frontages and no rear yard. The placement of the proposed cottages provides for rear yards backing onto the side property line. While the applicant will comply with the City's policy of placing a map on the project for future selling the units, they do not intend to sell the units at this time. The applicant has worked within the restrictions of the property where the private street alread exists and sufficient depth to allow a deeper rear yard is not possible. The placement of the cottages is very similar to the existing cottages along the Grace Court and the provision of a "rear yard" for each provides adequate area for private usable open space as found in other multi-family projects in the downtown area.

#### IV. PERSON WHO PREPARED INITIAL STUDY:

Sheldon R. McClellan, Senior Planner

Dated: July 30, 1999

#### V. COPY OF INITIAL STUDY IS ATTACHED

For additional information, please contact the City of Hayward Development Review Services Division, 777 B Street, Hayward, CA 94541-5007 or telephone (510) 583-4210

#### DISTRIBUTION/POSTING

Provide copies to project applicants and all organizations and individuals requesting it in writing. Reference in all public hearing notices to be distributed 20 days in advance of initial public hearing and/or published once in Daily Review 20 days prior to hearing. Project file.

Post immediately upon receipt at the City Clerk's Office, the Main City Hall bulletin board, and in all City library branches, and do not remove until the date after the public hearing.

### INITIAL STUDY CHECKLIST FORM

(Revised)

Project title: Planned Development Zone Change 99-190-01					
Lead agency name and address: City of Hayward, 777 B Street., Hayward. CA 94541-5007					
Contact persons and phone number: Sheldon McClellan, Senior Planner (510) 583-4215					
Project location: Generally located on Grace Court between Grace Street and Smalley Avenue and at 22331 Mission Boulevard, westerly side, approximately 100 feet south of Grace Street.					
Project sponsor's name and address: Society of Saint Vincent de Paul, 9235 San Leandro Street, Oakland, CA 94603					
General plan designation: Commercial/High Density Residential					
Zoning: CC-C/SD-3 (Central City-Commercial/Cottage Special Design Overlay District					
Description of project: Request to rezone property from CC-C (Central City-Commercial) Subdistrict/SD-3 (Cottage Special Design Overlay) District to PD (Planned Development) District/SD-3 (Cottage Special Design Overlay) District in order to construct a transitional housing project consisting of ten new cottages and to relocate one unit of four existing units on the property, to extend Grace Court (private street) to Melvin Court.  Surrounding land uses and setting:  The site is bounded on the northerly side by Grace Street. Across Grace Street is a mixture of single-family and multi-family units. The west side of the property abuts single-family and multi-family dwellings and a commercial building that fronts Smalley Avenue. Commercial buildings and uses front Mission Boulevard. The site is bounded on the southerly side by Smalley Avenue and Melvin Court. Automotive related uses are located across Melvin Court. Across Smalley Avenue is a mixture of residential dwellings and vacated former automotive dealership property. The general character of the area is residential with commercial along Mission Boulevard.					
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.					
Land Use and Planning					

. Zone Change 99-190-01,- Society laint Vincent de Paul (Applicant/Owner) **DETERMINATION:** (To be completed by the Lead Agency) On the basis of this initial evaluation: I find that the proposed project COULD NOT have a significant effect on the environment, and a  $\boxtimes$ NEGATIVE DECLARATION will be prepared. I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared. I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required. I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed. I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project. Sheldon R. McClellan City of Hayward Printed name

#### **ENVIRONMENTAL IMPACTS:**

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
I.	LAND USE AND PLANNING. Would the proposal:	·	•	·	
a)	Conflict with general plan designation or zoning?				
	Comment: The site is comprised of 4 parcels tataling 1.9 acres. The General Policies Plan Map designates the property and area as Commercial/High Density Residential The proposed project is consistent with the General Plan designation and the proposed PD District.				
b)	Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project?				
c)	Be incompatible with existing land use in the vicinity?				
	Comment: The project is consistent with other residential projects and zoning in the area. The proposed 10 additional cottages would continue the cottage theme across the property that has been in place for many years.				
d)	Affect agricultural resources or operations (e.g., impacts to soils or farmlands, or impacts from incompatible land uses)?				
e)	Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)?				$\boxtimes$
	Comment: The project site consists mainly of underutilized and vacant property under the same ownership. The proposed residential cottages will be more compatible than the existing automotive storage area at the south edge of the property and will be compatible with the existing four cottages on the property and other adjacent dwellings. The cottages would not displace low-income housing, but adds to the inventory of housing for low-income families under a program administered by the applicant.				

#### Zoné Change 99-190-01, - Society uint Vincent de Paul (Applicant/Owner) -

		Potentially Significant Impact	Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
II.	POPULATION AND HOUSING. Would the proposal:				
a)	Cumulatively exceed official regional or local population projections?				
	Comment: The increase in population (30± persons) resulting from the creation of 10 single-family lots will not exceed local population projections.				
.b)	Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?				$\boxtimes$
	Comment: The surrounding area is developed, and therefore, the development of the subject site will not necessarily induce similar or larger projects in the area since vacant land is not available.				,
c)	Displace existing housing, especially affordable housing?				$\boxtimes$
	Comment: No housing is being removed from the property. One of the existing four units is being relocated and 10 new dwellings are being proposed. These units are small, modest cottages that will be approximately 960 square feet in area and will contain only two bedrooms each. The owner is currently operating a transitional housing project which provides housing to low income families. This program is to continue.		· <u></u>		
III.	GEOLOGIC PROBLEMS. Would the proposal result in or expose people to potential impacts involving:				
a)	Fault rupture?				$\boxtimes$
	Comment: The property is within the edge of the Hayward Earthquake Fault Zone. A portion of the area for the proposed 10 cottage units is within the fault zone A geotechnical investigation ("Evaluation of Active Faulting, Property at and Adjacent to 22331 Mission Boulevard, California") has been prepared for the property by MS Geotechnical Consultants, Inc., Pleasanton, California, dated December 18, 1986. The conclusion of the report is that the active trace of the Hayward fault is located enpresymmetally two hundred fifty (250) feet to the porthesest.				
	approximately two hundred fifty (250) feet to the northeast.  The consultant states that the potential for future surface				

# Zone Change 99-190-01,- Society o int Vincent de Paul (Applicant/Owner) -

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impaci
	faulting through the southwestern one-third (1/3) of the site is low. Subsequent responses to comments made by the City Peer review were made by Mervel Engineering, Inc., dated November 29, 1999 and were found to be acceptable. The City's peer review consultant concludes that the applicant's engineer has addressed all concerns previously expressed and that the active trace of the Hayward fault is located east of Mission Boulevard, well east of the proposed development and that the report concludes that there is a low probability of active faulting occurring at the site.	•	, , , , , , , , , , , , , , , , , , ,		
b)	Seismic ground shaking?			$\boxtimes$	
	Comment: The subject site is in an area shown in ABAG's report On Shaky Ground as having an anticipated Modified Mercalli Shaking Intensity of IX (Violent) for a 7.0 quake on the southern segment of the Hayward Fault. The proposed project will be required to be built to the most recent Uniform Building Code regulations which considers the potential for ground shaking.				
c)	Seismic ground failure, including liquefaction?				$\boxtimes$
d)	Seiche, tsunami, or volcanic hazard?				$\boxtimes$
e)	Landslides or mudflows?				$\boxtimes$
	Comment: The site is not in a hilly area nor is it subject to mudflows.				
f)	Erosion, changes in topography or unstable soil conditions from excavation, grading, or fill?				$\boxtimes$
	Comment: The site is being retained as a flat site and grading will be minimal.				
g)	Subsidence of land?				
h)	Expansive soils?				
	Comment: It is reasonable to conclude, from surrounding areas of the same deposition history, that the soil strata				

## Zone Change 99-190-01,- Society of nt Vincent de Paul (Applicant/Owner) -

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impac
	below the surface of the site contains grey to dark grey silty clays and a light brown silty clay. The surface soils are moderately- to highly-expansive. Building foundations will be required to be designed to mitigate the effects of the expansive soils.				
i)	Unique geologic or physical features?				$\boxtimes$
1/	WATER. Would the proposal result in:	<u> </u>	<del>''' =</del>		
a)	Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?				
	Comment: The development of the site is not anticipated to significantly change the absorption rate of the existing commercial/residential development on the site. Minimal grading will be done in conjunction with the subdivision, which will not interfere with the existing drainage patterns on adjacent properties.				1
b)	Exposure of people or property to water related hazards such as flooding?				$\boxtimes$
	Comment: The site is not known to be subject to flooding. The site is within Zone C of the flood maps and is above the 500 year storm level.	,			
c)	Discharge into surface waters or other alteration of surface water quality (e.g., temperature, dissolved oxygen or turbidity?)				$\boxtimes$
d)	Changes in the amount of surface water in any water body?				$\boxtimes$
e)	Changes in currents, or the course or direction of water movements?				$\boxtimes$
f)	Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or through substantial loss of groundwater recharge capability?				
g)	Altered direction or rate of flow of groundwater?				$\boxtimes$
h)	Impacts to groundwater quality?			$\boxtimes$	

## \* Zone Change 99-190-01,- Society of t Vincent de Paul (Applicant/Owner) -

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impaci	No Impact
	Comment: Storm drain lines will collect drainage at several locations within the subdivision and convey storm water to the existing storm drain system. The applicant is responsible for compliance with Federal, State and local water quality standards and regulations. This project is subject to a National Pollutant Discharge Elimination System (NPDES) permit.				
i)	Substantial reduction in the amount of groundwater otherwise available for public water supplies?				
V.	AIR QUALITY. Would the proposal:				
a)	Violate any air quality standard or contribute to an existing or projected air quality violation?				
b)	Expose sensitive receptors to pollutants?				$\boxtimes$
c)	Alter air movement, moisture, or temperature, or cause any change in climate?				$\boxtimes$
	Comment: The proposed project will be required to comply with all applicable requirements of the Bay Area Air Quality Management District. The developer will be required to develop and implement appropriate dust control measures during construction. The project is not likely to create objectionable odors, or alter air movements, moisture, and temperature or cause any change in climate. Implementation of the required conditions of approval will reduce any identified impacts to a non-significant level.				
d)	Create objectionable odors?				$\boxtimes$
VI.	TRANSPORTATION/CIRCULATION. Would the proposal result in:			·	
a)	Increased vehicle trips or traffic congestion?				$\boxtimes$
	Comment/Impact: The. small number of units proposed will not significantly increase the amount of traffic. The units have two bedrooms only and many of the families that rent the facilities under the program administered by the applicant do not own vehicles.				<del></del>

## Potentially Significant Unless Potentially Less Than No Impact Significant Mitigation Significant Impaci Incorporated Impact b) Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? c) Inadequate emergency access or access to nearby uses? Comment: The Fire Department has reviewed the project. The project will have to be made acceptable to Fire Department requirements and standards. The proposed extension of the private street is of sufficient width to provide access to emergency vehicles. d) Insufficient parking capacity onsite or offsite? Comment: The site layout provides for adequate covered parking for the proposed increase in cottage units. While the applicant is seeking for a reduced number of parking spaces which serves the retail operation, they indicated that the existing parking lot that covers the retail use is much more than what is needed for this use, and therefore are willing to assign a portion of the parking lot area for residential usage. e) Hazards or barriers for pedestrians or bicyclists? f) Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)? g) Rail, waterborne or air traffic impacts? VII. BIOLOGICAL RESOURCES. Would the proposal result in impacts to a) Endangered, threatened or rare species or their habitats (including but not limited to plants, fish, insects, animals, and birds)? Comment: The site is partially developed with four other cottages and the former Ritz Theater which is now being used as a Thrift retail store, and no known endangered, threatened or rare species or their habitats is known to exist on the property.

nt Vincent de Paul (Applicant/Owner) -

Zone Change 99-190-01,—Society of

## Zone Change 99-190-01,- Society aint Vincent de Paul (Applicant/Owner) -

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impac
b)	Locally designated species (e.g., heritage trees)?				
c)	Locally designated natural communities (e.g., oak forest, coastal habitat, etc.)?				
	Comment: The site contains some large specimen trees. and a few of these will be retained within the development.				
d)	Wetland habitat (e.g., marsh, riparian, and vernal pool)?				$\boxtimes$
e)	Wildlife dispersal or migration corridors?	-			$\boxtimes$
VI	III. ENERGY AND MINERAL RESOURCES. Would the proposal:				
a)	Conflict with adopted energy conservation plans?				$\boxtimes$
b)	Use nonrenewable resources in a wasteful and inefficient manner?				
c)	Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State?				$\boxtimes$
IX	. HAZARDS. Would the proposal involve:				
a)	A risk of accidental explosion or release of hazardous substances (including, but not limited to, oil, pesticides, chemicals or radiation)?				
b)	Possible interference with an emergency response plan or emergency evacuation plan?				
c)	The creation of any health hazard or potential health hazard?				
	Comment: The Hazardous Materials Program Coordinator indicates that, based upon review of the property indicates that the change in land use from commercial (auto storage lot at the south edge of the property next to Smalley Avenue) to residential units will require that a Phase I investigation be done. There is no knowledge of soil contamination at this site, but that the Phase I report will have to be completed prior to issuance of a building permit.				

## Zone Change 99-190-01,- Society c int Vincent de Paul (Applicant/Owner) -

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impaci
	If there is any small amount of contamination, it is a reasonable assumption that the level of contamination from parked vehicles can be mitigated. Conditions of approval of the project will require that all contamination issues related to the proposal be resolved to the satisfaction of the Alameda County Health Care Services Agency, California Regional Water Quality Control Board (San Francisco Bay				
•	Region) and the City of Hayward Fire Department prior to any construction activities.			,	
đ)	Increased fire hazard in areas with flammable brush, grass, or trees?				
X.	NOISE. Would the proposal result in:				
a)	Increases in existing noise levels?				
b)	Exposure of people to severe noise levels?				$\boxtimes$
XI	• PUBLIC SERVICES. Would the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas:				
a)	Fire protection?				$\boxtimes$
b)	Police protection?				
c)	Schools?				
	Comment: Based on Hayward Unified School District comment, the project will result in an estimated increase of 2 students in grades K-6. HUSD has indicated that there is sufficient classroom capacity at Cherryland School to accommodate the additional students. Older students attending 7 <sup>th</sup> through 12 <sup>th</sup> grades would attend Winton Intermediate School and Hayward High School. Payment of school fees will be required at the time of construction of the new units. Theoretically each unit could have a		<u>-</u>		

## Zon'e Change 99-190-01,- Society o int Vincent de Paul (Applicant/Owner) -

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
but some far	ore children could fall into the K-6 category milies could also be comprised of older family sere no children would be within the unit.	•			
d) Maintenance	of public facilities, including roads?				$\boxtimes$
e) Other govern	ment services?				
proposal	IES AND SERVICE SYSTEMS. Would the result in a need for new systems or supplies, intial alterations to the following utilities?	-			
a) Power or natu	ural gas?				$\boxtimes$
b) Communicati	ons systems?				$\boxtimes$
c) Local or region	onal water treatment or distribution facilities?				$\boxtimes$
d) Sewer or sept	ic tanks?				$\boxtimes$
d) Storm water	drainage?				$\boxtimes$
	form water runoff is designated to drain into m sewer and will be channeled to the City's k system.				·
f) Solid waste di	sposal?				$\boxtimes$
g) Local or region	onal water supplies?				
XIII. AESTHE	ETICS. Would the proposal?				
a) Affect a sceni	c vista or scenic highway?				$\boxtimes$
c) Have a demon	nstrable negative aesthetic effect?				$\boxtimes$
Craftman's'st	he small cottages will be designed in the yle and will blend in well with the other cottages already on the property.				
c) Create light or	glare?				$\boxtimes$

## Zone Change 99-190-01,- Society c ...int Vincent de Paul (Applicant/Owner) -

		Potentially Significant Impact	Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
X.	IV. CULTURAL RESOURCES. Would the proposal:		•		
a)	Disturb paleontological resources?				
b)	Disturb archaeological resources?				$\boxtimes$
c)	Have the potential to cause a physical change which would affect unique cultural values?				$\boxtimes$
d)	Restrict existing religious or sacred uses within the potential impact area?				
X	V. RECREATION. Would the proposal:	·			
a)	Increase the demand for neighborhood or regional parks or other recreational facilities?			$\boxtimes$	
	Comment: This project would result in a demand for 0.15± acre of additional parkland. Prior to occupancy, the project sponsor will be required to pay for in-lieu park fees.				
b)	Affect existing recreational opportunities?			$\boxtimes$	
.*	Comment: This project would result in a possible increase in the usage of the existing recreational opportunities in the neighborhood. The payment of in-lieu fees associated with the project will offset the increased demand for recreational facilities. The project will provide private open space for each unit.				

## Zone Change 99-190-01,- Society of S. Vincent de Paul (Applicant/Owner) -XVI. MANDATORY FINDINGS OF SIGNIFICANCE. a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory? . b) Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? c) Does the project have impacts that are individually limited, cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects) d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

#### XVII. EARLIER ANALYSES.

- a) Earlier analyses used. None
- b) Impacts adequately addressed. Yes
- c) Mitigation measures. Conditions of approval.

### EXHIBIT G

# Society of St. Vincent de Paul DISTRICT COUNCIL OF ALAMEDA COUNTY

9235 San Leandro Street • Oakland, California 94603 Telephone: (510) 638-7600 • Fax: (510) 638-8354

March 15, 2000

Sheldon McClellan Senior Planner City of Hayward Department of Community and Economic Development 777 B Street Hayward, CA 94541-5007

Re:

Zone Change 99-190-01 Source of St. Mincent de Paul,

Applicant/Owner [Society of St. Vincent de Paul 5359]

Dear Mr. McClellan:

In my first letter of March 15, 2000 to you, I provided you with information regarding the Society of St. Vincent de Paul's screening process for participants in our project. The intention of this follow-up letter is to provide you with additional information regarding the identity of the Project's participants. Participants in the Project will be families who face a temporary housing crisis (such as due to divorce, abandonment by spouse, death of spouse, or other temporary housing need) and are in need of housing and families who are in welfare to work programs and are in need of housing. The participants in the Project will be current residents of the San Leandro-Hayward-Fremont Region and will have been referred to the Project by local Parish Conferences within the Region and within the Diocese.

Thank you for your attention to this matter. Please let me know if you need additional information.

Sincerely yours,

Donald Gerigk

President

# Society of St. Vincent de Paul DISTRICT COUNCIL OF ALAMEDA COUNTY

9235 San Leandro Street • Oakland, California 94603 Telephone: (510) 638-7600 • Fax: (510) 638-8354

March 15, 2000

Sheldon McClellan
Senior Planner
City of Hayward
Department of Community and
Economic Development
777 B Street
Hayward, CA 94541-5007

Dear Mr. McClellan:

In regard to the planned housing units at our Grace Court site, we have a tentative agreement with Eden Housing Management. Inc. to act as property managers upon completion of the project.

However, an equally important consideration in judging the long-term success of the project is the fact that the Society will screen very closely any potential tenants for the houses. The screening will be done by both the local Saint Vincent de Paul Conference, who will normally recommend the family and a Committee at the District Council level. The screening will be done on the basis of a written application and a personal interview. In addition, the local Conference will have the responsibility for maintaining an ongoing contact with the family to insure they are making progress towards a more stable life.

Sincerely yours,

Donald Gerigk

President

<b>ORDINANCE</b>	NO
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AN ORDINANCE RECLASSIFYING CERTAIN TERRITORY LOCATED ON GRACE COURT BETWEEN GRACE STREET AND SMALLEY AVENUE AND AT 22331 MISSION BOULEVARD TO A PLANNED DEVELOPMENET/ COTTAGE SPECIAL DESIGN OVERLAY DISTRICT PURSUANT TO ZONE CHANGE APPLICATION 99-190-01

#### THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Reclassification.

Zone Change Application No. 99-190-01 concerns a request by property owner Society of Saint Vincent de Paul to rezone property located on Grace Court between Grace Street and Smalley Avenue and at 22331 Mission Boulevard, as depicted in Exhibit A attached hereto ("the Property"), by rezoning such Property from Central City-Commercial Subdistrict/Cottage Special Design Overlay District (CC-C/SD-3) to Planned Development District/Cottage Special Design Overlay District (PD/SD-3).

The City Council has previously adopted Resolution No. \_\_\_\_\_, approving a negative declaration and conditionally approving the preliminary development plan submitted with Zone Change Application No. 99-190-01. Based on such findings and determinations, the City Council hereby approves the reclassification of the Property from a Central City-Commercial Subdistrict/Cottage Special Design Overlay (CC-C/SD-3) District to a Planned Development District/Cottage Special Design Overlay (PD/SD-3) District.

In addition, the City Council also directs the Director of Community and Economic Development to amend the Zoning District Index Map on file with the Clerk and the Community and Economic Development Department in accordance with the reclassification approved by this Ordinance.

#### Section 2. Effective Date.

In accordance with the provisions of section 620 of the City Charter, this ordinance shall become effective from and after the date of its adoption.

1	INTRODUCED at a regula	r meeting of the City Council of the City of Hayward, he	əld
the	_ day of	, 2000, by Council Member	

ADOPTED at a regular meeting	g of the City Council of the City of Hayward held the
day of , 2000	O, by the following votes of members of said City
Council.	
AYES:	
NOES:	
ABSTAIN:	·
ABSENT:	
APPROV	/ED:
	Mayor of the City of Hayward
DATE	E:
ATTES	T:
	City Clerk of the City of Hayward
APPROVED AS TO FORM:	
City Attorney of the City of Hayward	

#### HAYWARD CITY COUNCIL

DRA	
(M	3-15-10

Introduced by Council Member\_\_\_\_\_

RESOLUTION ADOPTING A NEGATIVE DECLARATION AND CONDITIONALLY APPROVING THE PRELIMINARY DEVELOPMENT PLAN SUBMITTED WITH ZONE CHANGE APPLICATION NO. 99-190-01

WHEREAS, Zone Change Application No. 99-190-01 concerns a request by Society of Saint Vincent de Paul to reclassify property located on Grace Court between Grace Street and Smalley Avenue and at 22331 Mission Boulevard ("the Property") from Central City-Commercial Subdistrict/Cottage Special Design Overlay District (CC-C/SD-3) to Planned Development District/Cottage Special Design Overlay District (PD/SD-3) to enable construction of ten residential cottages and extend Grace Court, a private street, to Melvin Court; and

WHEREAS, the Planning Commission considered the matter and its action thereon is on file in the office of the City Clerk and is hereby referred to for further particulars; and

WHEREAS, a negative declaration has been prepared and processed in accordance with City and CEQA guidelines; and

WHEREAS, the City Council held a public hearing on March 21, 200, regarding Zone Change Application No. 99-190-01, in accordance with the procedures contained in the Hayward Zoning Ordinance, codified as Article 1, Chapter 10 of the Hayward Municipal Code.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HAYWARD as follows:

- 1. That the City Council has reviewed and considered the information contained in the initial study prepared for the project which is the subject of Zone Change Application No. 99-190-01 and the proposed negative declaration; finds that the initial study and negative declaration reflect the independent judgment of the City of Hayward; determines that the negative declaration has been completed in compliance with the requirements of the California Environmental Quality Act and adopts such negative declaration.
- 2. In addition, the City Council adopts the following findings as to the preliminary

development plan submitted in connection with Zone Change Application No. 99-190-01:

- A. The development is in substantial harmony with the surrounding area and conforms to the General Plan and applicable City policies in that the proposed development is an in-fill residential project consisting of the addition of ten cottages to four existing dwelling units on a site containing approximately 1.9 acres, and the density of such development is consistent with the General Plan, the North Hayward Neighborhood Plan and the Downtown area.
- B. The existing streets and utilities, and the proposed extension of Grace Court (which will remain a private street) to Melvin Court, are adequate to serve the development and meet the minimum development standards of the City.
- C. The development will creates a residential environment of sustained desirability and stability with small cottage-like units that tie into the existing layout and design of dwelling units on the property. Existing public facilities, such as parks and playgrounds are adequate to serve the anticipated population. The development will have no substantial adverse effect upon surrounding development.
- A. The project will be constructed in a single phase and all elements of the project, such as street extension, parking, placement of fencing and the sound wall, will be developed with the initial construction.
- B. The proposed 8feet setback of some of the new cottages from the sidewalk along Grace Court, rather than the 10 feet minimum front yard setback and the proposed rear setback of 15 feet rather than the 20-feet setback otherwise indicated by the SD-3 regulations, is offset or compensated by the following considerations:
  - 1. The project's unique cottage style residential development is consistent with the policies in the North Hayward Neighborhood Plan which encourage and allow additional cottage development on Grace Court which will meet or exceed other requirements.
  - 2. Three of the four existing cottages are currently located closer than 10 feet from Grace Court, therefore, the development of additional cottages with a setback less than 10 feet from Grace Court will be consistent with the orientation of such existing cottages.

3. The property's unique configuration indicates that a 15-feet setback from the westerly property line or the proposed masonry wall as to certain of the cottages is justified due to the location of the existing units.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF HAYWARD that, based on the findings noted above, that the preliminary development plan submitted with Zone Change Application No. 99-190-01 is hereby conditionally approved, subject to the conditions of approval contained in Exhibit A attached hereto and incorporated as a part of this resolution, and the adoption of the companion ordinance reclassifying the Property from a Central City-Commercial Subdistrict/Cottage Special Design Overlay District (CC-C/SD-3) to a Planned Development District/Cottage Special Design Overlay District (PD/SD-3).

RNIA	, 2000
OTE:	
ATTEST:	City Clerk of the City of Hayward
	OTE: